

FILED

MAY 12 2021

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

V.

MICHAEL AVERY,

Defendant.

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**4:21CR00303 MTS/SPM**

## MOTION FOR CONDITIONS OF RELEASE

Comes now the United States of America, by and through its Attorneys, Saylor A. Fleming, United States Attorney for the Eastern District of Missouri, and Michael A. Reilly, Assistant United States Attorney for said District, and moves the Court to order conditions of release Defendant pending trial pursuant to Title 18, United States Code, § 3142(c), et seq.

As and for its grounds, the United States of America states as follows:

Defendant is charged with the offenses of (1) being an unlawful user of a controlled substance in possession of a firearm, in violation of Title 18, United States Code, § 922(g)(3); and (2) unlawful possession of an unregistered firearm, namely, a firearm silencer, in violation of Title 26, United States Code, § 5841, 5861(d), and 5871.

Defendant's conduct includes, but is not limited to, the discharge of a firearm causing a gunshot wound to himself with a .300 caliber firearm while in the midst of a large crowd on or about June 23, 2020. At the time of Defendant's possession of this firearm, he routinely used marijuana. The second count of the indictment relates to the separate offense of Defendant's possession of an unregistered firearm, a firearm silencer, for which he also possessed a Walther .22 caliber pistol with a threaded barrel to attach the silencer.

The United States has recommended a secured bond of \$50,000.00. Even though the United States has not moved for detention in this case, the United States respectfully moves this Court to impose conditions upon Defendant's release to ensure the safety of the community. The United States requests that the Court impose standard conditions of release, the following special conditions of release, and any other conditions the Court deems necessary to ensure the safety of the community and the appearance of Defendant.

- (1) Defendant abide by any restrictions upon travel as directed by the Pretrial Services Office;
- (2) Defendant not possess a firearm, destructive device, or other weapon;
- (3) Defendant not use alcohol excessively;
- (4) Defendant not use or possess controlled substances as defined by 21 U.S.C. § 802, including but not limited to marijuana;
- (5) Defendant be required to submit to drug testing if required by the Pretrial Services Office;
- (6) Defendant be required to submit to inpatient or outpatient substance abuse therapy if required by the Pretrial Services Office;
- (7) Defendant be required to submit to curfew conditions and home detention, with the exception of employment related activities and for other purposes deemed reasonable by the Pretrial Services Office; and
- (8) Defendant be required to submit to location monitoring as directed by the Pretrial Services Office.

Pursuant to Title 18, United States Code, § 3142(c), said conditions of release will ensure the safety of the community and the appearance of the Defendant.

WHEREFORE, the United States requests this Court to order standard conditions of release, the special conditions detailed herein, and any other conditions of release that the Court deems necessary to ensure Defendant's appearance and the safety of the community.

Respectfully submitted,

SAYLER A. FLEMING  
United States Attorney

s/ Michael A. Reilly  
MICHAEL A. REILLY, #43908MO  
Assistant United States Attorney